

### **REMARKS**

Applicant thanks the Examiner for the telephone interview held on February 5, 2004 and for clarifying the specification informalities noted in the Office Action.

Claims 1-20 are pending. By this amendment, claims 5 and 19 are canceled, claims 1, 9, 10, 12, and 16 are amended, and new claim 21 are added. No new matter is introduced. Support for the amendments may be found at least in at page 3, lines 13-15 and page 4, lines 14-15 of the specification. Reconsideration and allowance of all pending claims is respectfully requested in view of the preceding amendments and following remarks.

#### **Specification Objections**

The Specification is objected to because of informalities. Applicant thanks the Examiner for clarifying the specification informalities and respectfully requests the withdrawal of the objections.

#### **Claim Rejections Under 35 U.S.C. §101**

Claims 1-8 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Independent claim 1 is amended to recite "a random code generator ... a native architecture execution engine ... a target architecture execution engine" without the recitation of process steps. Withdrawal of the rejections under 35 U.S.C. §101 is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 1-8 and 19 are rejected under 35 U.S.C. §112, second paragraph.

Claims 5 and 19 are withdrawn, rendering the rejections of claims 5 and 19 moot.

The Examiner asserts that "binary instruction sequence" recited in claim 1 is not clear. Applicant respectfully submits the term "binary instruction sequence" is different from the term "probability sequence" appearing on page 6, line 26 and is clearly defined in the specification at least on page 2, lines 13-24 as a sequence of instructions. Withdrawal of the rejections of claims 1-4 and 6-8 under 35 U.S.C. §112 is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-20 are rejected under 35 U.S.C. §103 (a) over U.S. Patent 4,841,476 to Mitchell et al. (hereafter Mitchell) in view of Banks "Handbook of Simulation" (hereafter Banks) and further in view of U.S. Patent 5,202,889 to Aharon et al. (hereafter Aharon). This rejection is respectfully traversed.

Claims 5 and 19 are withdrawn, rendering the rejections of claims 5 and 19 moot.

Mitchell is directed to a system that emulates execution of source CPU instructions. Banks defines validation as the determination that the conceptual model is an accurate

representation of the real system. Aharon discloses a dynamic process for the generation of biased pseudo-random test patterns for the functional verification of integrated circuit designs. As discussed during the interview, Mitchell, Banks, and Aharon, individually and in combination, do not disclose or suggest “an emulated binary instruction sequence that generates the emulation failure is a short sequence of binary instructions, enabling the emulation failure to be determined at a machine instruction level,” as recited in amended claim 1 (emphasis added). Since Mitchell, Banks, and Aharon, individually and in combination, do not disclose or suggest all of the elements of amended claim 1, claim 1 is allowable.

Claims 2-4 and 6-8 are allowable because they depend from allowable claim 1 and for the additional features they recite.

Likewise, Mitchell, Banks, and Aharon, individually and in combination, do not disclose or suggest “enabling the emulation failure to be determined at a machine instruction level,” as recited in amended claim 9 (emphasis added). Since Mitchell, Banks, and Aharon, individually and in combination, do not disclose or suggest all of the elements of amended claim 9, claim 9 is allowable.

Claims 10-15 are allowable because they depend from allowable claim 9 and for the additional features they recite.

Similarly, Mitchell, Banks, and Aharon, individually and in combination, do not disclose or suggest “enabling the emulation failure to be determined at a machine instruction level,” as recited in amended claim 16 (emphasis added). Since Mitchell, Banks, and Aharon, individually and in combination, do not disclose or suggest all of the elements of amended claim 16, claim 16 is allowable.

Claims 17-18 and 20 are allowable because they depend from allowable claim 16 and for the additional features they recite.


New claim 21 is allowable for at least the same reason as noted above with respect to claim 1.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: March 24, 2004

  
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